

Appln. No. 10/645,678
Amendment dated May 11, 2007
Reply to Office Action mailed March 12, 2007

REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claims 1, 3 through 9 and 11 through 24 remain in this application. Claims 2 and 10 have been cancelled. No claims have been withdrawn or added.

Paragraphs 6 through 14 of the Office Action

Claims 1, 3, 7 through 9, 14, 15, 22 and 23 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kobayakawa in view of Sakurai.

Claims 4 through 6, 11 through 13, 16 through 21 and 24 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kobayakawa in view of Sakurai and further in view of Hashimoto.

Claims 7, 8, 14 and 15 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kobayakawa.

As previously noted, claim 1 requires "providing an information handling system with a housing having at least a closed orientation and an open orientation, the information handling system including *a power switch located on an external surface of the housing of the information handling system when the housing is in the closed orientation* such that the external power switch may be actuated by contact when the information handling system is in the closed orientation". Claim 9 requires in part "an external power switch *located on an external surface of one of the display portion and the input portion* such that the external power switch is manipulable by

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a user in both the open orientation of the information handling system and the closed orientation of the information handling system” and “wherein positioning of the locking member within the receptacle disables at least one criterion for transition from a power-off state to a power-on state of the information handling system as initiated by the external power switch of the information handling system”. Claim 16 requires “detecting an indication from an information handling system of the orientation of the information handling system into one of the at least three orientations, the at least three orientations including an open orientation, a closed orientation and a tablet orientation, each of the orientations being characterized by the external power switch being externally accessible and being actuable by contact with the external power switch” and “instigating a criterion for transition from a first power state to a second power state of the information handling system as initiated by the external power switch of the information handling system, wherein the criterion is dependent on which of the at least three orientations the information handling system is positioned at a time of actuation of the external power switch”. (All emphasis added.)

It is conceded in the rejection of the Office Action that:

Kobayakawa does not explicitly teach that the power switch located on an external surface of the housing when the housing is in the closed orientation such that the external power switch may be actuated by contact when the information handling system is in the closed orientation. However, one of ordinary skill in the art would have recognized that the teachings of Kobayakawa would be applicable to any power switch, regardless its location, to prevent the accidental actuation of the power switch.

It is further asserted in the rejection that:

Sakurai teaches an information handling system (1) with a housing having at least a closed orientation and an open orientation [Fig. 1a], wherein the information handling system including a power switch (4) located on an external surface of the housing when the housing is in the closed orientation such that the external power switch may be actuated by contact when the information handling system is in the closed orientation [Fig. 1a,b; 0012-0015, 0019].

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And it is alleged that:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Kobayakawa and Sakurai because it would increase the flexibility of the system by preventing the accidentally actuation of the power switch located at any location.

However, it is submitted that nothing in the Kobayakawa document suggests that "accidental" actuation of a power switch is prevented by the Kobayakawa. In fact, it is submitted that one of ordinary skill in the art, seeking to "prevent the accidental actuation of the power switch", would not be motivated to position the power switch at the location shown in the Sakurai document. Sakurai shows the power switch in an exposed position on the exterior of the housing that is submitted to be highly susceptible to "accidental actuation" of the power switch (to the extent that the Sakurai system is directed to making the power switch highly conspicuous when in the "ON" position). In fact, the Sakurai system is directed to making the "ON" position of the power switch highly conspicuous because it is recognized in Sakurai that unintentional or accidental actuation of a power switch is likely. See, e.g., the translation of Sakurai at ¶0005, where it states:

[0005] The second point is that slide ** of an electric power switch does not move by the oscillation at the time of carrying, a shock, etc. at the time of carrying of a notebook computer. When carrying a notebook computer to the outdoors, an electric power switch is turned OFF, and a notebook computer is put in and carried into the case of dedication, a bag, a bag, etc. Since a notebook computer will be shaken and it will move when that is not right although an electric power switch does not turn on carelessly if a notebook computer is held and carried in the case of dedication at this time, there is risk of slide ** moving carelessly and an electric power switch turning on by that motion. In being the worst, when an electric power switch is turned on, and a cell will be exhausted vainly, and using it if compelled, it is also possible that a notebook computer cannot be used with a cell piece.

Thus, the Sakurai document recognizes the problem stemming from the positioning of the power switch on the exterior of the case, and attempts to

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draw attention to the "accidental actuation" when it happens. It is submitted that one of ordinary skill in the art, considering the Kobayakawa disclosure and seeking to "prevent the accidental actuation of the power switch", would not position the power switch of Kobayakawa on the housing as shown in Sakurai, as this would simply increase the likelihood of "accidental actuation" as compared to the conventional positioning of the switch on a clamshell housing. In other words, one of ordinary skill in the art recognizes that the position of the power switch is conventionally and typically located inside of the clamshell of the housing, and it is submitted that one of ordinary skill in the art would not be motivated to locate the switch as shown in Sakurai if the motivation is to "prevent the accidental actuation of the power switch".

It is therefore submitted that claims 1, 9 and 16 are not obvious in view of the allegedly obvious combination of Kobayakawa and Sakurai set forth in the rejection of the Office Action.

Claim 22 requires that "the second criterion includes requiring at least two manipulations of the external power switch for operation of the external power switch". With respect to claim 22, the rejection states:

8. Regarding claim 22, one of ordinary skill in the art would have recognized that requiring at least two manipulations of external power switch for operation of the external power switch would not only preventing the accidentally actuation of the power switch but also allowing a user to conveniently operate the power switch.

However, it is submitted that one of ordinary skill in the art, looking to "allow[] a user to conveniently operate the power switch", would not be motivated to employ a power switch that requires "at least two manipulations", as one of ordinary skill in the art would recognize that this would arguably make the power switch *less* convenient to operate, as the user is required to make two manipulations rather than one manipulation.

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It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Kobayakawa and Sakuri, Kobayakawa, Sakuri and Hashimoto, set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1, 9 and 16. Further, claims 3, 4 and 7, which depend from claim 1, claims 5 and 6, which depend from claim 4, claim 8, which depends from claim 7, claims 11, 14 and 24, which depend from claim 9, claims 12 and 13, which depend from claim 11, claims 15 and 23, which depends from claim 14, claims 17 through 21, which depend from claim 16 and claim 22, which depends from claim 7 also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejection of claims 1, 3, 4, 6 through 9, 11 through 24 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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